

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

EDWARD CRUTHIRD,

*Plaintiff,*

v.

MONTGOMERY COUNTY, *et al.*,

*Defendants.*

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CIVIL ACTION H-17-3384

**ORDER**

Defendants' motion to dismiss (Dkt. 18) is GRANTED. The court ordered Plaintiff Edward Cruthird to respond to defendants' first request for production and interrogatories by April 23, 2018. Dkt. 17. The court also ordered Cruthird to schedule a Rule 26 conference with defendants no later than April 16, 2018. *Id.* Cruthird failed to comply with the court's order and has failed to indicate any intention to prosecute this action. Accordingly, Cruthird's claims are DISMISSED WITHOUT PREJUDICE. *See* Fed. R. Civ. P. 37(b)(2)(A)(v) ("[D]ismissing the action or proceeding in whole or in part" is a just order when a party fails to obey an order to provide discovery.); *see also* Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."). The court will enter a final judgment consistent with this order.

Signed at Houston, Texas on April 27, 2018.



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Gray H. Miller  
United States District Judge